

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Provision of Improved Telecommunications)	
Relay Services and Speech-to-Speech)	CC Docket No. 98-67
Services for Individuals with Hearing and)	
Speech Disabilities)	
)	
Petition for Clarification of WorldCom, Inc.)	

**REPLY COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

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Dated: July 26, 2002

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Telecommunications for the Deaf, Inc. (“TDI”) hereby submits these Reply Comments in response to the Commission’s *Second Further Notice of Proposed Rulemaking* (“Notice”) in the above-referenced proceeding.¹

TDI is a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI’s mission is to promote equal access to broadband, media and telecommunications for these constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy. Only through equal access will these twenty-eight million Americans be able to enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled. Furthermore, only by ensuring

¹ *In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, (rel. April 22, 2002) (“*IP Relay Order*” and “*Notice*”).

equal access for all Americans will society benefit from the myriad of skills and talents of persons with disabilities.

As with TDI's initial comments, the Telecommunications Advocacy Network of the National Association of the Deaf ("TAN-NAD") and the Association of Late Deafened Adults ("ALDA") support TDI's reply comments. The National Association of the Deaf is the nation's oldest and largest constituency organization safeguarding the accessibility and civil rights of twenty-eight million deaf, hard of hearing, late deafened, and deaf-blind Americans in a variety of areas, including education, employment, health care, and telecommunications. A private, non-profit organization, the National Association of the Deaf is a dynamic federation of state associations and organizational affiliates and direct members. Primary areas of focus include grassroots advocacy and empowerment, captioned media, deafness-related information and publications, legal rights technical assistance, policy development and research, and youth leadership development. The National Association of the Deaf works closely with deafness related national organizations and is a member of several coalitions representing the interests of deaf, hard of hearing, late deafened, and deaf-blind individuals.

ALDA is an all volunteer organization that represents individuals who have become deaf after having heard and used verbal speech, mostly after adolescence. ALDA is dedicated to obtaining and maintaining access to information, communications, employment and services that benefit people who become deaf.

TDI is pleased that the *Notice* generated unanimous support for funding IP Relay from the interstate TRS fund and urges the Commission to fund IP Relay in this manner. TDI is concerned, however, about Verizon's proposal to require mandatory profiling as a precursor to use of this beneficial and innovative service. While TDI understands that Verizon's proposal is

intended to reduce the potential risk of international fraud with IP Relay, TDI believes it is entirely too premature to take such an extreme measure as mandatory profiling. Instead of adopting mandatory profiling, TDI views international fraud as precisely the type of issue that the Commission should task NECA, the Interstate TRS Fund Administrator, with monitoring. If, based on NECA's findings and recommendations, the Commission believes further action is necessary to address this issue, the Commission can then commence a proceeding to explore less burdensome alternatives to effectively combat it.

I. THE COMMISSION SHOULD FUND IP RELAY FROM THE INTERSTATE TRS FUND.

Commenters unanimously support the Commission's tentative proposal to fund IP Relay from the interstate TRS fund.² Commenters believe that funding IP Relay from interstate TRS is authorized by the plain language and overriding purpose of Section 225 of the Communications Act of 1934, as amended (the "Act"),³ justified given the current inability otherwise to determine the originating location of IP Relay calls,⁴ warranted to avoid triggering unduly burdensome state administrative and reimbursement procedures,⁵ and mandated to promote use and growth of the

² Comments of AT&T Corp. filed July 11, 2002 in CC Docket No. 98-67 at 2 ("AT&T Comments"); Comments of Missouri Public Service Commission filed July 11, 2002 in CC Docket No. 98-67 at 2 ("MO-PSC Comments"); Comments of Sprint Corporation filed July 11, 2002 in CC Docket No. 98-67 at 2 ("Sprint Corporation"); Comments of Telecommunications for the Deaf, Inc. filed July 11, 2002 in CC Docket No. 98-67 at 3 ("TDI Comments"); Comments of Verizon filed July 11, 2002 in CC Docket No. 98-67 at 3 ("Verizon Comments"); and Comments of WorldCom, Inc. filed July 11, 2002 in CC Docket No. 98-67 at 1-2 ("WorldCom Comments").

³ TDI Comments at 3-4.

⁴ Notice, ¶ 33.

⁵ MO PSC Comments at 3.

service.⁶ Accordingly, for all of these reasons, the Commission should adopt its tentative conclusion and fund IP Relay from the interstate TRS fund.

II. THE COMMISSION SHOULD CHARGE NECA WITH MONITORING THE ISSUE OF INTERNATIONAL FRAUD AND, IF WARRANTED, INITIATE A PROCEEDING TO TAKE APPROPRIATE ACTION.

Several commenters observe the potential for international fraud associated with IP Relay service.⁷ TDI is concerned that Verizon's proposed means of combating this issue -- requiring IP Relay users to establish mandatory user profiles as a precursor to using IP Relay service⁸ -- is not only excessive but unwarranted at this time.

There is insufficient evidence in the record concerning the harm of international fraud to justify imposing mandatory profiling at this time. While TDI also observes and appreciates the potential for harm from international fraud, at this point it is simply not known whether the problem will become significant, or if it will merely remain a threat. Until the scope of the problem is fully understood, the Commission cannot reasonably consider appropriate actions to adequately remedy it.

As observed by TDI and others throughout this proceeding, mandatory user profiles are inconvenient and burdensome, and may have the unintended consequence of discouraging use of IP Relay service.⁹ IP Relay users are entitled to have the option of using the service on an anonymous basis, just as other consumers are able to use telephones and other telecommunications devices on an anonymous basis. In addition, TDI believes such an invasive measure is especially premature considering that the scope of the international fraud problem has

⁶ TDI Comments at 4-8.

⁷ TDI Comments at 10 & n.24; AT&T Comments at 2 & n.6; Verizon Comments at 3-4.

⁸ Verizon Comments at 5-6.

⁹ *See, e.g.*, TDI Comments at 11; *IP Relay Order*, ¶ 17; AT&T Comments at 4.

not yet been assessed. Moreover, it is unclear how effectively Verizon's proposed solution would even combat international fraud. Even Verizon acknowledges that mandatory profiles "likely would not stop someone who is determined to fraudulently use the IP Relay service."¹⁰ The questionable effectiveness of mandatory profiles further indicates that it would be wholly inappropriate for the Commission to require them at this time, particularly when less burdensome, more effective alternatives have not been explored.

Instead of adopting Verizon's proposal, TDI recommends that the Commission charge the Interstate TRS Fund Administrator, NECA, with monitoring the international fraud issue and reporting its findings and recommendations periodically to the Commission. This is consistent with TDI's proposal in its initial comments to have NECA regularly monitor IP Relay service to facilitate prompt examination and resolution of any issues that may arise.¹¹ From these reports and recommendations, the Commission could then determine the appropriate course of action with respect to international fraud. If the Commission concludes the issue should be addressed, it can open a proceeding at that time to explore the scope of international fraud and to consider narrowly-tailored remedies to effectively combat the issue. Proceeding in this manner will best promote IP Relay deployment and ensure that the deaf community and the hard of hearing population have equal access to the benefits of this technological innovation, without unnecessarily and improperly subjecting IP Relay users to unduly burdensome administrative requirements.

¹⁰ Verizon Comments at 6.

¹¹ TDI Comments at 9-10.

III. CONCLUSION

For the reasons described herein, the Commission should adopt its tentative conclusion and fund IP Relay from the interstate TRS fund. TDI shares other commenters concerns about the potential risk of international fraud; however, it believes the mandatory profiling proposed by Verizon to be excessive and unwarranted. Instead of adopting mandatory profiling at this time, TDI views international fraud as precisely the type of issue that the Commission should task NECA with monitoring. If, based on NECA's findings and recommendations, the Commission believes further action is necessary to address this issue, the Commission can then commence a proceeding to explore less burdensome alternatives to effectively combat it. Proceeding in this manner will best promote IP Relay deployment and ensure that the deaf community and the hard of hearing population have equal access to the benefits of this technological innovation, without unnecessarily subjecting IP Relay users to unduly burdensome administrative requirements.

Respectfully submitted,

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